

106TH CONGRESS
2D SESSION

H. R. 3859

To amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2000

Mr. HERGER (for himself, Mr. METCALF, Mr. SALMON, Mr. COLLINS, Mr. STEARNS, Mr. COBURN, Mr. RAMSTAD, Mr. SESSIONS, Mr. POMBO, and Mr. NETHERCUTT) introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security and
5 Medicare Safe Deposit Box Act of 2000”.

1 **SEC. 2. PROTECTION OF SOCIAL SECURITY AND MEDICARE**
2 **SURPLUSES.**

3 (a) **MEDICARE SURPLUSES OFF-BUDGET.**—Notwith-
4 standing any other provision of law, the net surplus of
5 any trust fund for part A of Medicare shall not be counted
6 as a net surplus for purposes of—

7 (1) the budget of the United States Govern-
8 ment as submitted by the President;

9 (2) the congressional budget; or

10 (3) the Balanced Budget and Emergency Def-
11 icit Control Act of 1985.

12 (b) **POINTS OF ORDER TO PROTECT SOCIAL SECU-**
13 **RITY AND MEDICARE SURPLUSES.**—Section 312 of the
14 Congressional Budget Act of 1974 is amended by adding
15 at the end the following new subsection:

16 “(g) **POINTS OF ORDER TO PROTECT SOCIAL SECU-**
17 **RITY AND MEDICARE SURPLUSES.**—

18 “(1) **CONCURRENT RESOLUTIONS ON THE**
19 **BUDGET.**—It shall not be in order in the House of
20 Representatives or the Senate to consider any con-
21 current resolution on the budget, or conference re-
22 port thereon or amendment thereto, that would set
23 forth an on-budget deficit for any fiscal year.

24 “(2) **SUBSEQUENT LEGISLATION.**—It shall not
25 be in order in the House of Representatives or the

1 Senate to consider any bill, joint resolution, amend-
2 ment, motion, or conference report if—

3 “(A) the enactment of that bill or resolu-
4 tion as reported;

5 “(B) the adoption and enactment of that
6 amendment; or

7 “(C) the enactment of that bill or resolu-
8 tion in the form recommended in that con-
9 ference report,
10 would cause or increase an on-budget deficit for any
11 fiscal year.

12 “(3) DEFINITION.—For purposes of this sec-
13 tion, the term ‘on-budget deficit’, when applied to a
14 fiscal year, means the deficit in the budget as set
15 forth in the most recently agreed to concurrent reso-
16 lution on the budget pursuant to section 301(a)(3)
17 for that fiscal year.”.

18 (c) CONTENT OF CONCURRENT RESOLUTION ON THE
19 BUDGET.—Section 301(a) of the Congressional Budget
20 Act of 1974 is amended—

21 (1) by redesignating paragraphs (6) and (7) as
22 paragraphs (7) and (8), respectively; and

23 (2) by inserting after paragraph (5) the fol-
24 lowing new paragraph:

1 “(6) the receipts, outlays, and surplus or deficit
 2 in the Federal Old-Age and Survivors Insurance
 3 Trust Fund and the Federal Disability Insurance
 4 Trust Fund, combined, established by title II of the
 5 Social Security Act;”.

6 (d) SUPER MAJORITY REQUIREMENT.—

7 (1) POINT OF ORDER.—Section 904(c)(1) of the
 8 Congressional Budget Act of 1974 is amended by in-
 9 serting “312(g),” after “310(d)(2),”.

10 (2) WAIVER.—Section 904(d)(2) of the Con-
 11 gressional Budget Act of 1974 is amended by insert-
 12 ing “312(g),” after “310(d)(2),”.

13 **SEC. 4. PROTECTION OF SOCIAL SECURITY AND MEDICARE**
 14 **SURPLUSES.**

15 (a) IN GENERAL.—Chapter 11 of subtitle II of title
 16 31, United States Code, is amended by adding before sec-
 17 tion 1101 the following:

18 **“§ 1100. Protection of social security and medicare**
 19 **surpluses**

20 “The budget of the United States Government sub-
 21 mitted by the President under this chapter shall not rec-
 22 ommend an on-budget deficit for any fiscal year covered
 23 by that budget.”.

1 (b) CHAPTER ANALYSIS.—The chapter analysis for
2 chapter 11 of title 31, United States Code, is amended
3 by inserting before the item for section 1101 the following:

“1100. Protection of Social Security and Medicare Surpluses.”.

4 **SEC. 5. EFFECTIVE DATE.**

5 This Act shall take effect upon the date of its enact-
6 ment and the amendments made by this Act shall apply
7 to fiscal year 2001 and subsequent fiscal years.

